

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
Eastern Division

In Re:
Vincent A. Tortorello

Debtor(s)

)
)
)
)
)
)
)
BK No.: 19-30367

)
)
)
)
)
Chapter: 13
Honorable A. Benjamin Goldgar

Agreed Order as to Motion to Extend the Automatic Stay

THIS CAUSE COMING TO BE HEARD on the Motion of Vincent A. Tortorello (the "Debtor") to Extend the Automatic Stay (the "Motion"), creditor Dimon Homes, LLC ("Dimon Homes") objecting to the Motion, the Court having jurisdiction and being duly advised in the premises, and due notice having been given to the parties entitled thereto;

IT IS HEREBY AGREED TO AND ORDERED:

1. *The motion to extend the stay is granted as to all creditors.* *RLG*
2. ☒ In exchange for Dimon Homes withdrawing any objection and agreeing to entry of the Motion, the Debtor agrees to the following:

A. The Debtor acknowledges that post-petition installments payments to Dimon Homes pursuant to the Amended and Restated Promissory Note dated January 29, 2016 are due and owing in the amount of \$548.95 per month commencing on November 1, 2019 and continuing on the 1st day of each month thereafter;

B. Except as to the payment of attorneys' fees set forth below, the Debtor shall make all payments contemplated herein directly to Dimon Homes, LLC, Attn: Claudia Velazquez, 218 N. County St., Waukegan, Illinois 60085;

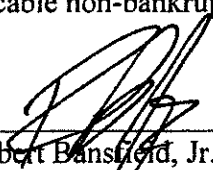

C. If Debtor fails to make two (2) consecutive monthly post-petition installment payments on the date due or in the amount due, then Dimon Homes shall provide notice to the Debtor and Debtor's attorney, of the default and Debtor shall have fourteen (14) days within which to cure the stated default;

D. In the event that Dimon Homes' attorney, Cohen Dovitz Makowka, LLC, should have to send out a Notice of Default under this Order, the Debtor shall pay an extra \$150.00 per Notice, in addition to whatever funds are needed to cure the default cited in the Notice, to Cohen Dovitz Makowka, LLC. These \$150.00 payments constitute attorneys' fees, and must be paid within the same fourteen (14) day cure period listed in the above paragraph of this Order

E. In the event the Debtor fails to cure the stated default in accordance with the terms of this Order, counsel for Dimon Homes shall cause a Notice of Default and Failure to Comply with this Order to be filed with the Clerk of the Court, and the Stay shall automatically Modify as to Dimon Homes with regard to the real estate commonly known as 2717 Elizabeth Ave., Zion, Illinois 60099, without further Order of the Court;

F. Enforcement of any Order Granting Relief from the Automatic Stay entered in accordance with the provisions of this Order shall not be stayed until the expiration of 14 days as otherwise required by Federal Rule of Bankruptcy Procedure 4001(a)(3); and

G. The foregoing terms and conditions shall be binding only during the pendency of this bankruptcy case, both before and after confirmation of any Plan proposed by the Debtor. If at any time, the Stay is terminated with respect to the property by Court Order or by operation of law, the foregoing terms and conditions shall cease to be binding and Dimon Homes may proceed to enforce its remedies under applicable non-bankruptcy law against the property and/or against the Debtor.


Robert Banskford, Jr.
Attorney for Debtor, Vincent A. Tortorello
David M. Siegel & Associates, LLC
790 Chaddick Dr.
Wheeling, IL 60090
Jeffrey B. Dovitz
Attorney for Dimon Homes, LLC
Cohen Dovitz Makowka, LLC
10729 W. 159th Street
Orland Park, IL 60467

Enter:

Dated: 22 NOV 2019


United States Bankruptcy Judge

Prepared by:

COHEN DOVITZ MAKOWKA, LLC
JEFFREY B. DOVITZ
10729 WEST 159TH STREET
ORLAND PARK, ILLINOIS 60467
(708) 460-7711
BANKRUPTCY@CDM.LEGAL